APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,428	12/22/2000	Neelam N. Vaidya	0007056-0174/P5701NP/ARG/	1488

58328   7590   09/21/2007
SUN MICROSYSTEMS
C/O SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER
AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/747,428	VAIDYA ET AL.
	Examiner	Art Unit	
	Sana Al-Hashemi	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

⠀⠀4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

⠀⠀Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

⠀⠀Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

⠀⠀a)☐ All   b)☐ Some * c)☐ None of:

⠀⠀⠀⠀1.☐ Certified copies of the priority documents have been received.

⠀⠀⠀⠀2.☐ Certified copies of the priority documents have been received in Application No. _____.

⠀⠀⠀⠀3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

⠀⠀* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
⠀⠀Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
⠀⠀Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant's amendment filed 10/21/2004.

2.   Claims 1-24 were not amended. No claims were deleted. None were added.

3.   Claims 1-24 are still pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 7/10/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24, are rejected under 35 U.S.C. 102(e) as being unpatentable over Lee et al.

(Lee hereinafter) US Patent No. 7,072,896 filed Feb. 14, 2001,which claim the priority of a

provisional application filed February 16, 2000.

Regarding Claims 1, 6, 11, and 16, Lee discloses a method for managing a plurality of

nodes in a layered hierarchically organized database stored in a server on a computer network

comprising:

accessing a subset of said nodes in response to a client request (Col. 24, lines 4-9, Lee);

modifying one or more state attributes associated with said nodes to control merging and

updating of layers to a resulting layered hierarchical database in response to said client request,

wherein the one or more state attributes indicates a last action taken on a corresponding data

element (Col. 24, lines 14-20, Lee); and

managing said nodes using said state attribute, wherein each one of said state attributes

comprises an eXtensible Markup Language (XML) format attribute (Col. 18, lines 26-42 , Lee).

Regarding Claims 2, 7, 12, and 17, Lee discloses a method wherein said state attributes

indicate that a corresponding data element is one of updated default, deleted, and added Col. 17,

lines 59-67, Lee).

Regarding Claims 3, 8, 13, and 18, Lee discloses a method wherein each one of said state

attributes includes a value of one of default, replaced, modified, and deleted, indicating a last

action taken on a corresponding data element ((Col. 20, lines 45-55, Col. 28, lines 49-52, Lee).

Regarding Claims 4, 9, 14, 19, and 21-24, Lee discloses the method wherein each one of

said nodes comprises an XML node (Col. 28, lines 38-47, Lee).

Regarding Claims 5, 10, 15, and 20, Lee discloses a method wherein said nodes are

organized in a Document Object Model format (Col. 28, lines 52-60, Lee).

Response to Amendment

Applicant's arguments filed 7/10/07have been fully considered but they are not

persuasive.

Applicant argues the Lee reference fails to disclose "modifying one or more state

attribute associated with said nodes to control merging and updating of layers to a resulting

layered hierarchical database in response to said client request, wherein the one or more state

attribute indicates a last action taken in a corresponding data element"

Examiner disagrees. A very brief explanation of what is the HTML, and XML. The

HTML is a Hyper Text Mark Language files which is a tag based notation language used to

format documents that can then be interpreted and rendered by an Internet browser, the HTML is

an application (Standard Generalized Markup Language) that uses tags to mark elements, such as

text and graphics, in a document. On the other hand the XML is the extensible Markup

Language, a condensed form of Standard Generalized Markup Language, which allow the Web

developers and designer to customize tags that offer greater flexibility in organizing and

presenting information that is possible with the older HTML document coding system. And as

stated in the back ground of the applied art the DTD is an element and attribute structure which is used in the XML as shown in Fig. 1A, Col. 1, lines 38-65, and as shown in Col. 25, lines 9-28, the method of updating the attribute(s) and the in lining the attribute group or attribute type, which corresponds to the update/modifying the state attribute. And at Col. 40, Lee discloses a method of integrating the DTD and store the metadata table to ensure the integrity constrain when modifying the DTD.
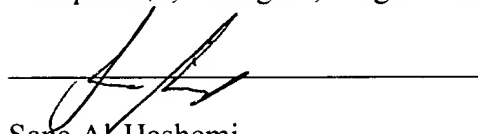
Applicant argues that the Lee reference fails to teach or suggest "layered hierarchically organized database includes an organizational format corresponding to an organizational layout of an enterprise".

Examiner disagrees. Although the argued limitation was not supported or defined in the disclosure of the instant application in any specific way to distinguish the layered hierarchically organized database includes an organizational format corresponding to an organizational layout of an enterprise from Fig. 14 of Lee which disclose the layered hierarchical database include an organizational format corresponding to an organizational layout of an enterprise.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Sana Al-Hashemi whose telephone number is (571) 272-4013. The

examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones, can

be reached on (571) 272-4085. Any response to this office action should be mailed to: The

Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number

(703) 872-9306. For formal or draft communications, please label "PROSPOSED" or "DRAFT".

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor

Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Primary Patent Examiner
Technology Center 2100
August 26, 2007